


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jonathan Kirschenbaum, AICP, Development Review Specialist
 Joel Lawson, Associate Director Development Review

DATE: March 31, 2022

SUBJECT: BZA Case 20680 - request for special exception relief pursuant to Subtitle E § 5201.1 to enlarge an existing single household dwelling into a three-unit apartment house.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exceptions pursuant to Subtitle E § 5201:

- Rear Wall Extension, E § 205.5 (rear wall shall not extend 10 feet beyond the farthest rear wall of any adjoining residential building; proposed rear wall would extend more than 10 feet beyond the rear wall to the north).

II. LOCATION AND SITE DESCRIPTION

Address:	801 20 th Street, NE
Applicant:	DVM Realty Investments LLC
Legal Description:	Square 4495, Lot 20
Ward / ANC:	5/5D
Zone:	RF-4, which permits single household dwellings, flats, and apartment houses.
Lot Characteristics:	Rectangular shaped corner lot measuring 33 feet by 91.25 feet. The lot is bounded by a residential row building to the north, H Street, NE to the south, 20 th Street, NE to the west, and a 16-foot public alley to the east.
Existing Development:	Two-story semi-detached single household dwelling.
Adjacent Properties & Surrounding Neighborhood Character:	The surrounding neighborhood character is predominately residential row buildings.
Proposed Development:	The applicant proposes to enlarge an existing two-story semi-detached single household dwelling into a three-unit apartment house. The applicant proposes a third-floor addition and a three-story rear addition to the existing building. Two surface parking spaces would be provided.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

RF-4 Zone	Regulation	Existing	Proposed	Relief:
Lot Width E § 201	18 ft. min.	33 ft.	No change	None required
Lot Area E § 201	1,800 sq. ft. min.	3,011 sq. ft.	No change	None required
Density E § 602	3 dwelling units max.; 1.8 FAR	1 dwelling unit	3 dwelling units; 1.23 FAR	None required
Height E § 603	40 ft. max. / 3 stories	25 ft. 4 in./ 2 stories	39 ft. 8 in./ 3 stories	None required
Lot Occupancy E § 604	60% max.; 70% by sp.ex.	18.6%	36.8%	None required
Front Setback E § 605	Setback must be in range of existing front setbacks	Front setback is in range of existing front setbacks	No change	None required
Rear Yard E § 606	20 ft. min.	45 ft. 2 in.	20 ft.	None required
Rear Wall Extension E § 205	Addition may not extend more than 10 ft. past farthest rear wall of any adjoining building	Existing rear wall does not extend beyond rear wall of the building to the north at 803 20 th Street, NE	<u>1st floor:</u> Rear wall would extend 16 ft. 10 in. beyond the rear wall to the north, 6 ft. 10 in. more than allowed <u>2nd Floor:</u> Rear wall would extend 25 ft. 1 ¾ in. beyond rear wall to the north, 15 ft. 1 ¾ in feet more than allowed	Special Exception
Side Yard E § 307	None required, but 5 ft. min. if provided	1 side yard, 15 ft.	No change	None required
Parking C § 701.5	1 parking space per dwelling unit	No parking provided	2 parking spaces	None required

IV. ANALYSIS

Subtitle E Chapter 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 For an addition to a principal residential building on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and

the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy up to a maximum of seventy percent (70%) for all new and existing structures on the lot;*
- (b) Yards, including alley centerline setback;*
- (c) Courts; and*
- (d) Pervious surface.*

The applicant has requested relief from the rear yard development standard at it relates to a rear wall extension, consistent with this section, for an addition to a principal residential building on a non-alley lot.

5201.2 & 5201.3 not relevant to this application

5201.4 An applicant for special exception under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected;*

The applicant at Exhibit 14 submitted a sun study comparing the impact of shadows cast based on a matter-of-right condition and the proposed addition. The study demonstrates that the proposal would cause some additional shadows to be cast on house to the north in the early winter hours, and on the rear yards of properties to the north (801-807 20th Street, NE) compared to what would be permitted as a matter-of-right. However, the additional shadows anticipated to be cast are minimal, would vary depending on season, and would appear to not be for extended periods of the day. Any increase in shadows cast should not be considered excessive or unreasonable for an area that is developed primarily with row buildings.

The provision of air available to neighboring properties should not be unduly affected as the proposed apartment house would comply with lot occupancy and rear yard setback requirements.

- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

Privacy and enjoyment of neighboring properties should not be unduly compromised as there would be no windows facing the abutting properties to the north and the property does not abut any properties to the south because it is a corner lot. The property would be sufficiently separated from properties to the east by a 20-foot rear yard and a 16-foot public alley.

- (c) The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage; and*

The proposed addition should not substantially visually intrude upon the character, scale, and pattern of houses along the street frontage. The proposed height of the addition would comply the Zoning Regulations, which anticipates new buildings and additions to a height of 40 feet and with three stories. The proposed height, scale, and design as viewed from the street are in keeping with the intent of the zoning and the prevailing residential character of the blockfronts. Further, the existing front setback is consistent with the front setbacks of either abutting property and would be retained.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

The applicant has provided plans, photographs, elevations, and a shadow study to sufficiently represent the relationship of the proposed row building from public ways.

5201.5 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

OP does not recommend any special treatment for the proposal.

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception.

The applicant proposes to construct a three-unit apartment house in the RF-4 zone, which is a permitted use. It would comply with development standards of the zone, including height and number of stories, except for the rear wall extension requirement, for which relief has been requested and is not beyond what is authorized by this section.

V. OTHER DISTRICT AGENCIES

To date, no comments from other district agencies had been filed to the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

ANC 5D filed a report to the record at Exhibit 30 recommending denial.

VII. COMMUNITY COMMENTS TO DATE

To date, no comments from the community had been filed to the record.

